



ATTORNEY DOCKET NO.: 200311549-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: FRITZ et al.

Examiner: EVANISKO

Serial No.: 10/772,726

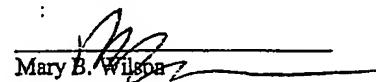
Art Unit: 2854

Filing Date: February 4, 2004

Title: USES OF METAMERISM IN PRINTING

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing document is being deposited with the United States Postal Service as first class mail, postage prepaid, "Post Office to Addressee", in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 14, 2006

  
Mary B. Wilcox

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**DECLARATION UNDER 37 C.F.R. § 1.131**

We, Terry-Lee M. Fritz, Dana A. Jacobsen, and Michael Talley, declare as follows:

1. We are the inventors of the subject matter disclosed and claimed in United States Patent Application Serial No. 10/772,726 ("the '726 application"), filed February 4, 2004, and entitled "USES OF METAMERISM IN PRINTING".
2. This Declaration is presented for the purpose of removing from consideration by the Examiner a published U.S. Patent Application, namely US 2005/0068550 to Braun (hereinafter, "Braun").
3. Braun was filed on September 25, 2003. Braun's critical reference date under 35 U.S.C. § 102(e) is therefore September 25, 2003.

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4. All of the events set forth in this Declaration occurred in the United States of America.
5. The '726 patent application was prepared by Hewlett Packard's outside patent counsel with our collaboration. We approved a draft patent application that was transmitted to W. Bradley Haymond, Hewlett Packard's inside patent counsel, for review prior to September 25, 2003.
6. Attached hereto as Exhibit 1 is a copy of a letter reflecting the transmission to W. Bradley Haymond of this draft patent application. The front page of the original bears a date prior to September 25, 2003. This date has been removed from Exhibit 1.
7. Attached hereto as Exhibit 2 is a copy of the draft patent application transmitted to W. Bradley Haymond with the letter of Exhibit 1. Exhibit 2 fully supports all of the features of the invention claimed in the '726 application (see, for example, pages 3 - 7 of Exhibit 2).
8. Exhibits 1 and 2 establish that we conceived the claimed invention prior to September 25, 2003.
9. Upon information and belief, after the draft patent application was received by W. Bradley Haymond, it was entered into the standard internal review process that is followed for all patent applications at Hewlett-Packard. After review, some changes were made to the draft and it was filed as the '726 application on February 4, 2004.
10. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

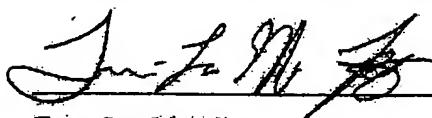
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the United States Code and that such willful false statements may jeopardize the validity of this Application for Patent or any patent issuing thereon.



Terry Lee M. Fritz

Sept 28, 2006

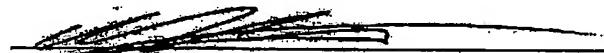
Date



Dana A. Jacobson

28 SEP 2006

Date



Michael Talley

9/28/06

Date

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